



Lucerne Valley Unified School District

10790 Barstow Road, Lucerne Valley, CA 92356 • (760) 248-6108 • FAX (760) 243-6677

Board of Trustees: Julia Bell • Tom Courtney • Jean Morgan • Teresa Rcyes • Bryn Risler
Superintendent: Dr. Jim Wheeler

Dear Micheal Deusinger:

This letter is in response to your fax requesting further information about the selection process used at Lucerne Valley USD.

During the bid process we received requests for proposal from Spectrum Communications and IKON office products for the selected services. However, during the window IKON discontinued providing the services we requested. Because of this we chose Spectrum Communications. If we had received more bids we would have selected the vendor based on ability to provide the requested services, customer satisfaction, CMAS participation and price. Price being the most heavily weighted factor

We used the California Multiple Awards Schedule (CMAS) to facilitate our bid process. CMAS is similar to Federal GSA contracts. CMAS is list of vendors who have met all the requirements of the State of California and are designated by the Department of General Services to be competent in the fields that they bid under. It is within district policy to select a vendor from the CMAS contract in lieu of the traditional bid process. The CMAS process allows the district to select a vendor with comparable services and competitive prices without the traditional competitive bid process. Bypassing the traditional bid process saves the District money and speeds the time it takes to select a suitable vendor.

Thank you,

A handwritten signature in black ink, appearing to read "Jason Buchanan".

Jason Buchanan

**ROMOLAND ELEMENTARY SCHOOL DISTRICT
DECLARATION AND EXHIBITS**

DECLARATION

I, David Guckert, hereby declare the following under penalty of perjury under the laws of the United States of America:

1. I am the Facilities Director for Romoland Elementary School District, in Homeland, California ("RESD").

2. RESD has participated since 1996 in the Schools and Libraries Mechanism ("E-Rate Program"). I have been involved on behalf of RESD in the E-Rate Program since 1996. As the district contact I have acted as the lead person responsible for gathering information and submitting district applications for the annual E-Rate program years. During that time, we have utilized 7 different vendors.

3. On December 6, 1999, RESD submitted its FCC Form 470 seeking competitive bids for telecommunications, internal connections, and Internet services (Application No. 666450000263290). I am listed as RESD's contact person on the Form 470 Application. RESD's Form 470 Application was posted on December 6, 1999. A copy of RESD's Form 470 is attached.

4. On January 16, 2002, RESD submitted its FCC Form 471 Application for Funding Year 2002 (Application No. 305956) requesting funding to purchase eligible services from various service providers, including, based on a multiple-year contract entered into with Spectrum Communications Cabling Services, Inc. ("Spectrum"), for internal connections services.

5. On or about May 8, 2002, RESD received from the SLD an E-Rate Selective Review Information Request. RESD received two subsequent written requests from SLD related to the Information Request.

6. On or about May 14, 2002, January 24, 2003, and January 31, 2003, I submitted, on behalf of RESD, written responses to the Information Request and the two follow up requests. Copies of these responses are attached.

7. On April 22, 2003, the SLD issued a Funding Commitment Decision Letter in which it denied 5 separate Funding Request Numbers (FRNs) associated with RESD's Form 471 Application. For each FRN that was denied, the service provider was Spectrum. The "Funding Commitment Decision" for each FRN is identical, and states: "\$0.00 – Bidding Violation." The "Funding Commitment Decision Explanation" for each FRN also is identical, and states: "Similarities in Internal Connections description on Forms 470 and in description provided to SLD of the vendor selection process among applicants associated with this vendor indicate that vendor was improperly involved in the competitive bidding and vendor selection process." A copy of the Decision is attached.

8. Also on April 22, 2003, the SLD sent to RESD a Further Explanation of Administrator's Funding Decision. (A copy is attached.) Although the Further Explanation states that the Funding Commitment Decision Letter is "the official

action” by SLD and USAC, RESD will address, and seeks review of, both the Funding Commitment Decision Letter and the Further Explanation.

9. As noted above, the Decision, by way of explanation, simply states (1) “similarities” in the internal connections description on Forms 470 “among applicants associated with this vendor,” and (2) “similarities” in the “description ... of the vendor selection process among applicants associated with this vendor.” The Decision does not state what “similarities” were found with respect to either the Form 470 internal connection descriptions or the descriptions of the vendor selection process. The Decision also refers to other “applicants associated with this vendor” but does not identify them. I have not reviewed any other applicant’s Form 470 or description of its vendor selection process, I have not discussed these matter with any other applicant, and no one else from RESD has discussed these matters with any other applicant.

10. The Further Explanation states: “During the review of your application, USAC became aware of the fact that there were striking similarities in the description of the internal connection services sought on FCC Forms 470 among various applicants later associated with the same service provider.” The internal connection descriptions are contained in RESD’s Form 470, Block 2 (Summary Description of Needs or Services Requested), Item 10 (Internal Connections), which asks applicants to “list ... the Internal Connections Services you seek,” and to “[s]pecify each service or function ... and quantity and/or capacity,” and refers applicants to the SLD’s Eligible Services List for examples of eligible internal connections services. In RESD’s Form 470, I listed 6 separate “Service[s] or Function[s]” and specified different quantities or locations for each.

11. I was responsible for providing the information referred to in RESD’s Form 470 Application. Before I submitted RESD’s Form 470 Application, I reviewed the sample Form 470 posted on the SLD’s web site. Also, as instructed by the Form 470 instructions, I reviewed the Eligible Services List on the SLD web site. I completed the Form 470 using these resources.

12. The competitive bidding process that was triggered by the posting of RESD’s Form 470 Application was fair and open. Spectrum did not control or influence RESD’s decision to seek competitive bids on the items listed on our Form 470, and RESD did not surrender control of the competitive bidding or vendor selection process to Spectrum.

13. The Further Explanation states:

USAC selects certain applicants for a Selective Review to ensure that they are following FCC rules relating to, among others, the competitive bidding process. Applicants who are chosen for this review are sent the “E-Rate Selective Review Information Request.” As part of this request, applicants are asked to answer certain questions regarding their competitive bidding and vendor selection process. In particular, applicants are asked to:

Please provide complete documentation indicating how and why you selected the service provider(s) selected. This documentation should provide a description of your evaluation process and factors you used to determine the winning contract(s).

The person authorized by the applicant to sign on the applicant's behalf, or the entity's authorized representative, is required to certify that the authorized signer prepared the responses to the Selective Review Information Request on behalf of that entity.

... USAC further ascertained that the responses provided by various applicants associated with [Spectrum] to the portion of the Selective Review questions described above seeking a description of the factors that the applicant used to determine the winning contracts contained identical language.

... Based on the evidence described above, USAC reasonably has concluded that the description of [the competitive bidding] process that you provided to USAC appears to have been prepared by your service provider.

... USAC has concluded that the evidence described indicates that the service provider was improperly involved in the competitive bidding and vendor selection process and that the applicant did not provide the answer to these questions.

14. In other words, my understanding is that according to the Further Explanation, SLD was concerned about the answer I provided on behalf of RESD in response to Item 4 of the Information Request with respect to Spectrum. That response was as follows:

2. Internal Connections – Spectrum Communications was selected by Romoland Elementary School District under the CMAS procurement program and other applicable procurement codes. Spectrum Communications provides the most cost-effective product, with the least amount of hassle, and exceeds District requirements for Information Technology projects. Spectrum Communications understands the Business Operations of Romoland Elementary School District, due to the many years that this vendor has been successfully utilized for Information Technology Projects. It is allowable under California Public Contract Code for Romoland Elementary School District to select Spectrum Communications under the CMAS agreement without further competitive bidding.

15. With respect to the certification referred to in the Further Explanation, it states: "I certify that I prepared the responses to this fax."

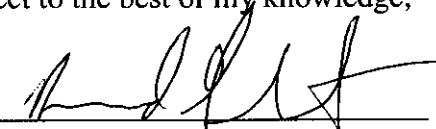
16. While preparing RESD's responses to the Information Request and SLD's follow up questions, I was not aware of any FCC or SLD prohibition on an applicant discussing with or obtaining information from a service provider to assist an applicant in preparing responses. My dictionary defines the word "prepare" as

meaning "to make ready" and I believe that is exactly what I did. I instructed others, including Spectrum, to compile information that I believed responded to the Information Request, and then I reviewed that information, confirmed its accuracy, instructed others to type out that information, and attested to its accuracy by signing the response to the Information Request. I similarly prepared and signed RESD's two follow up responses to the SLD's additional questions about RESD's competitive bidding and vendor selection process. At my request, Spectrum provided me with information, including information about the California Multiple Awards Schedule. I prepared the responses in good faith and the information I provided is true and correct to the best of my knowledge. Consequently, I believe that I appropriately certified that I prepared the responses to the Information Request. Moreover, all of the information provided by RESD confirms that RESD conducted a fair and open competitive bidding process that complied with FCC and SLD rules and guidelines and California state laws.

17. As a result of the SLD's delay in processing RESD's Funding Year 2002 request, we will have new classrooms without Internet and telephone access, resulting in a disadvantage to the children who are assigned to these particular rooms.

18. I have reviewed the Request for Review of the denial by the SLD of RESD's Form 471 Application for Funding Year 2002, to which this Declaration is attached. I am authorized by RESD to state that RESD supports and joins in the Request for Review to the extent that it seeks review of the denial of RESD's Funding Year 2002 requests.

19. The foregoing is true and correct to the best of my knowledge, information, and belief.



David Guckert

Date: 6/17/03

ROMOLAND DISTRICT EXHIBIT 1

FUNDING COMMITMENT REPORT

Service Provider Name: Spectrum Communications Cabling Services, Inc.
Service Provider Identification Number: 143010165

Funding Request Number: 791075
Form 471 Application Number: 305956
Form 470 Application Number: 666450000263290
Name of 471 Applicant: ROMOLAND ELEM SCHOOL DISTRICT
Applicant Street Address: 25900 Leon Rd.
Applicant City: Homeland
Applicant State: CA
Applicant Zip: 92548
Entity Number: 143760
Name of Contact Person: Dave Guckert
Preferred Mode of Contact: EMAIL
Contact Information: dave@romoland.k12.ca.us
Funding Year: 2002 (07/01/2002 - 06/30/2003)
Funding Status: Not Funded
Contract Number: 2000-01
Services Ordered: Internal Connections
Site Identifier: 06 33390 05173
Billing Account Number: N/A
Allowable Vendor Selection/Contract Date: 01/03/2000
Contract Award Date: 01/11/2000
Earliest Possible Effective Date of Discount: 07/01/2002
Contract Expiration Date: 06/30/2003
Monthly Recurring Charges: \$0.00
Portion of Monthly Recurring Charges that is Ineligible: \$0.00
Eligible Monthly Pre-Discount Amount for Recurring Charges: \$0.00
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-Discount Amount for Eligible Recurring Charges: \$0.00
Annual Non-Recurring Charges: \$165318.08
Portion of Annual Non-Recurring Charges that is Ineligible: \$0.00
Annual Pre-Discount Amount for Eligible Non-Recurring Charges: \$165318.08
Total Program Year Pre-Discount Amount: \$165318.08
Applicant's Approved Discount Percentage: N/A
Funding Commitment Decision: \$0.00 - Bidding Violation
Funding Commitment Decision Explanation: Similarities in Internal Connections description on Forms 470 and in description provided to SLD of the vendor selection process among applicants associated with this vendor indicate that vendor was improperly involved in the competitive bidding and vendor selection process.
Technology Plan Approval Status: Pending Approval
Wave Number: 027
Applicant Letter Date: 04/22/2003

FUNDING COMMITMENT REPORT

Service Provider Name: Spectrum Communications Cabling Services, Inc.
Service Provider Identification Number: 143010165

Funding Request Number: 791095
Form 471 Application Number: 305956
Form 470 Application Number: 666450000263290
Name of 471 Applicant: ROMOLAND ELEM SCHOOL DISTRICT
Applicant Street Address: 25900 Leon Rd.
Applicant City: Homeland
Applicant State: CA
Applicant Zip: 92548
Entity Number: 143760
Name of Contact Person: Dave Guckert
Preferred Mode of Contact: EMAIL
Contact Information: dave@romoland.k12.ca.us
Funding Year: 2002 (07/01/2002 - 06/30/2003)
Funding Status: Not Funded
Contract Number: 2000-01
Services Ordered: Internal Connections
Site Identifier: 06 33390 10032
Billing Account Number: N/A
Allowable Vendor Selection/Contract Date: 01/03/2000
Contract Award Date: 01/11/2000
Earliest Possible Effective Date of Discount: 07/01/2002
Contract Expiration Date: 06/30/2003
Monthly Recurring Charges: \$0.00
Portion of Monthly Recurring Charges that is Ineligible: \$0.00
Eligible Monthly Pre-Discount Amount for Recurring Charges: \$0.00
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-Discount Amount for Eligible Recurring Charges: \$0.00
Annual Non-Recurring Charges: \$232971.57
Portion of Annual Non-Recurring Charges that is Ineligible: \$0.00
Annual Pre-Discount Amount for Eligible Non-Recurring Charges: \$232971.57
Total Program Year Pre-Discount Amount: \$232971.57
Applicant's Approved Discount Percentage: N/A
Funding Commitment Decision: \$0.00 - Bidding Violation
Funding Commitment Decision Explanation: Similarities in Internal Connections description on Forms 470 and in description provided to SLD of the vendor selection process among applicants associated with this vendor indicate that vendor was improperly involved in the competitive bidding and vendor selection process.
Technology Plan Approval Status: Pending Approval
Wave Number: 027
Applicant Letter Date: 04/22/2003

FUNDING COMMITMENT REPORT

Service Provider Name: Spectrum Communications Cabling Services, Inc.
Service Provider Identification Number: 143010165

Funding Request Number: 791135
Form 471 Application Number: 305956
Form 470 Application Number: 666450000263290
Name of 471 Applicant: ROMOLAND ELEM SCHOOL DISTRICT
Applicant Street Address: 25900 Leon Rd.
Applicant City: Homeland
Applicant State: CA
Applicant Zip: 92548
Entity Number: 143760
Name of Contact Person: Dave Guckert
Preferred Mode of Contact: EMAIL
Contact Information: dave@romoland.k12.ca.us
Funding Year: 2002 (07/01/2002 - 06/30/2003)
Funding Status: Not Funded
Contract Number: 2000-01
Services Ordered: Internal Connections
Site Identifier: 06 33390 05173
Billing Account Number: N/A
Allowable Vendor Selection/Contract Date: 01/03/2000
Contract Award Date: 01/11/2000
Earliest Possible Effective Date of Discount: 07/01/2002
Contract Expiration Date: 06/30/2003
Monthly Recurring Charges: \$0.00
Portion of Monthly Recurring Charges that is Ineligible: \$0.00
Eligible Monthly Pre-Discount Amount for Recurring Charges: \$0.00
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-Discount Amount for Eligible Recurring Charges: \$0.00
Annual Non-Recurring Charges: \$150000.00
Portion of Annual Non-Recurring Charges that is Ineligible: \$0.00
Annual Pre-Discount Amount for Eligible Non-Recurring Charges: \$150000.00
Total Program Year Pre-Discount Amount: \$150000.00
Applicant's Approved Discount Percentage: N/A
Funding Commitment Decision: \$0.00 - Bidding Violation
Funding Commitment Decision Explanation: Similarities in Internal Connections description on Forms 470 and in description provided to SLD of the vendor selection process among applicants associated with this vendor indicate that vendor was improperly involved in the competitive bidding and vendor selection process.
Technology Plan Approval Status: Pending Approval
Wave Number: 027
Applicant Letter Date: 04/22/2003

FUNDING COMMITMENT REPORT

Service Provider Name: Spectrum Communications Cabling Services, Inc.
Service Provider Identification Number: 143010165

Funding Request Number: 791156
Form 471 Application Number: 305956
Form 470 Application Number: 666450000263290
Name of 471 Applicant: ROMOLAND ELEM SCHOOL DISTRICT
Applicant Street Address: 25900 Leon Rd.
Applicant City: Homeland
Applicant State: CA
Applicant Zip: 92548
Entity Number: 143760
Name of Contact Person: Dave Guckert
Preferred Mode of Contact: EMAIL
Contact Information: dave@romoland.k12.ca.us
Funding Year: 2002 (07/01/2002 - 06/30/2003)
Funding Status: Not Funded
Contract Number: 2000-01
Services Ordered: Internal Connections
Billing Account Number: N/A
Allowable Vendor Selection/Contract Date: 01/03/2000
Contract Award Date: 01/11/2000
Earliest Possible Effective Date of Discount: 07/01/2002
Contract Expiration Date: 06/30/2003
Monthly Recurring Charges: \$0.00
Portion of Monthly Recurring Charges that is Ineligible: \$0.00
Eligible Monthly Pre-Discount Amount for Recurring Charges: \$0.00
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-Discount Amount for Eligible Recurring Charges: \$0.00
Annual Non-Recurring Charges: \$77641.14
Portion of Annual Non-Recurring Charges that is Ineligible: \$0.00
Annual Pre-Discount Amount for Eligible Non-Recurring Charges: \$77641.14
Total Program Year Pre-Discount Amount: \$77641.14
Applicant's Approved Discount Percentage: N/A
Funding Commitment Decision: \$0.00 - Bidding Violation
Funding Commitment Decision Explanation: Similarities in Internal Connections description on Forms 470 and in description provided to SLD of the vendor selection process among applicants associated with this vendor indicate that vendor was improperly involved in the competitive bidding and vendor selection process.
Technology Plan Approval Status: Pending Approval
Wave Number: 027
Applicant Letter Date: 04/22/2003

FUNDING COMMITMENT REPORT

Service Provider Name: Spectrum Communications Cabling Services, Inc.
Service Provider Identification Number: 143010165

Funding Request Number: 791204
Form 471 Application Number: 305956
Form 470 Application Number: 666450000263290
Name of 471 Applicant: ROMOLAND ELEM SCHOOL DISTRICT
Applicant Street Address: 25900 Leon Rd.
Applicant City: Homeland
Applicant State: CA
Applicant Zip: 92548
Entity Number: 143760
Name of Contact Person: Dave Guckert
Preferred Mode of Contact: EMAIL
Contact Information: dave@romoland.k12.ca.us
Funding Year: 2002 (07/01/2002 - 06/30/2003)
Funding Status: Not Funded
Contract Number: 2000-01
Services Ordered: Internal Connections
Site Identifier: 06 33390 05173
Billing Account Number: N/A
Allowable Vendor Selection/Contract Date: 01/03/2000
Contract Award Date: 01/11/2000
Earliest Possible Effective Date of Discount: 07/01/2002
Contract Expiration Date: 06/30/2003
Monthly Recurring Charges: \$0.00
Portion of Monthly Recurring Charges that is Ineligible: \$0.00
Eligible Monthly Pre-Discount Amount for Recurring Charges: \$0.00
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-Discount Amount for Eligible Recurring Charges: \$0.00
Annual Non-Recurring Charges: \$24000.92
Portion of Annual Non-Recurring Charges that is Ineligible: \$0.00
Annual Pre-Discount Amount for Eligible Non-Recurring Charges: \$24000.92
Total Program Year Pre-Discount Amount: \$24000.92
Applicant's Approved Discount Percentage: N/A
Funding Commitment Decision: \$0.00 - Bidding Violation
Funding Commitment Decision Explanation: Similarities in Internal Connections description on Forms 470 and in description provided to SLD of the vendor selection process among applicants associated with this vendor indicate that vendor was improperly involved in the competitive bidding and vendor selection process.
Technology Plan Approval Status: Pending Approval
Wave Number: 027
Applicant Letter Date: 04/22/2003

ROMOLAND DISTRICT EXHIBIT 2



Universal Service Administrative Company
Schools & Libraries Division

April 22, 2003

Dave Guckert
Romoland Elem School District
25900 Leon Rd.
Homeland CA 92548

Further Explanation of Administrator's Funding Decision
Form 471 Application Number: 305956
Funding Year 2002 (07/01/2002 – 06/30/2003)

Under separate cover, you are being sent a Funding Commitment Decision Letter concerning the FCC Form 471 Application Number cited above. This Funding Commitment Decision Letter denies all funding requests that are associated with Spectrum Communications Cabling Services, Inc.

Please be advised that the Funding Commitment Decision Letter is the official action on this application by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC). Please refer to that letter for instructions regarding how to appeal the Administrator's decision, if you wish to do so. The purpose of this letter is to provide you with additional information concerning the reasons for denial of these funding requests.

Information obtained during the review of your FCC Form 471 indicates that the service provider was improperly involved in the competitive bidding and vendor selection process and that the applicant was not the source of the information contained in the responses to SLD's questions regarding the competitive bidding and vendor selection process.

Federal Communication Commission (FCC or Commission) rules require applicants to submit an FCC Form 470 to USAC for posting on its website.¹ This posting enables prospective service providers to bid on the equipment and services for which the applicant will request universal service support. After the Form 470 has been posted, the applicant must wait at least 28 days before entering into agreements with service providers, comply with all applicable state and local procurement laws, and comply with FCC competitive bidding requirements.² Program rules require that the entity selecting a service provider "carefully consider all bids submitted and may consider relevant factors

¹ Schools and Libraries Universal Service, Description of Services Requested and Certification Form 470, OMB 3060-0806 (September 1999) (FCC Form 470).

² See 47 C.F.R. §§ 54.504, 54.11.

other than the pre-discount prices submitted by providers.”³ When allowed under state and local procurement rules, other relevant factors include “prior experience, including past performance; personnel qualifications, including technical excellence; management capability, including schedule compliance; and environmental objectives.”⁴ The FCC has stated that price should be the primary factor in selecting a bid.⁵ Once the applicant enters into agreement(s) with service provider(s), the applicant submits an FCC Form 471 to USAC.⁶ The Commission has stated that applicants cannot abdicate control over the application process to a service provider that is associated with the FCC Form 471 for that applicant.⁷

Pursuant to its authority to administer the Schools and Libraries Support Mechanism, USAC selects certain applicants for a Selective Review to ensure that they are following FCC rules relating to, among others, the competitive bidding process. Applicants who are chosen for this review are sent the “E-Rate Selective Review Information Request.” As part of this request, applicants are asked to answer certain questions regarding their competitive bidding and vendor selection process. In particular, applicants are asked to:

Please provide complete documentation indicating how and why you selected the service provider(s) selected. This documentation should include a description of your evaluation process and the factors you used to determine the winning contract(s).⁸

The person authorized by the applicant to sign on the applicant’s behalf, or the entity’s authorized representative, is required to certify that the authorized signer prepared the responses to the Selective Review Information Request on behalf of the entity.⁹

Your FCC Form 471 requests for funding was selected for a Selective Review. During the review of your application, USAC became aware of the fact that there were striking similarities in the description of the internal connections services sought on FCC Forms 470 among various applicants later associated with the same service provider. USAC further ascertained that the responses provided by various applicants associated with this particular service provider to the portion of the Selective Review questions described above seeking a description of the factors that the applicant used to determine the winning contracts contained identical language. Thus, USAC concluded that these responses had been prepared by the service provider and provided to the applicant, and

³ 47 C.F.R. § 54.511(a).

⁴ Federal-State Joint Board on Universal Service, CC Docket No. 96-45, *Report and Order*, FCC 97-157 ¶ 481 (rel. May 8, 1997); *Request for Review by the Department of Education of the State of Tennessee of the Decision of the Universal Service Administrator*, CC Docket Nos. 96-45, 97-21, FCC 99-216 ¶¶ 7-9 (rel. August 11, 1999).

⁵ *See id.*

⁶ Schools and Libraries Universal Service, Services Ordered and Certification Form 471, OMB 3060-0806 (October 2000) (*FCC Form 471*).

⁷ *In re Request for Review of Decisions of the Universal Service Administrator by Bethlehem Temple Christian School*, CC Docket Nos. 96-45, 97-21, DA-01-852 ¶ 6 (rel. Apr. 6, 2001)

⁸ E-Rate Selective Review Information Request, Funding Year 2002 at 2.

⁹ *Id.* at 15.

were not prepared by the applicant as required under the Schools and Libraries Support Mechanism.

FCC rules require applicants to "carefully consider all bids." USAC sought to ensure that you had complied with this requirement by seeking a description of your competitive bidding process, your vendor evaluation process and the factors you used to determine the winning contract. Based on the evidence described above, USAC reasonably has concluded that the description of this process that you provided to USAC appears to have been prepared by your service provider. The Selective Review Information Request requires the applicant to certify that it, or its authorized representative prepared the responses to the request. The reason for this certification is to ensure that applicants, rather than service providers, answer the questions that are properly answered by the applicant. It is inappropriate for a service provider to answer questions regarding the competitive bidding process, vendor selection, or the applicant's ability to pay the non-discount share as required by Schools and Libraries Support Mechanism rules.

USAC has concluded that the evidence described indicates that the service provider was improperly involved in the competitive bidding and vendor selection process and that the applicant did not provide the answers to these questions. Consequently, USAC has denied all funding requests from this applicant associated with this service provider.

Schools and Libraries Division

CC:
Spectrum Communications Cabling Services, Inc
226 North Lincoln Avenue
Corona, CA 92882
Attn: Robert Rivera

ROMOLAND DISTRICT EXHIBIT 3

FCC Form

Approval by OMB
3060-0806**470**

Schools and Libraries Universal Service Description of Services Requested and Certification Form

Estimated Average Burden Hours Per Response: 5.0 hours

This form is designed to help you describe the eligible telecommunications-related services you seek so that this data can be posted on the Fund Administrator website and interested service providers can identify you as a potential customer and compete to serve you.

Please read instructions before completing.

(To be completed by entity that will negotiate with providers.)

Block 1: Applicant Address and Identifications

(School, library, or consortium desiring Universal Service funding.)

Form 470 Application Number: 666450000263290

Applicant's Form Identifier:

Application Status: CERTIFIED

Posting Date: 12/06/1999

Allowable Contract Date: 01/03/2000

Certification Received Date: 12/09/1999

1. Name of Applicant: ROMOLAND ELEM SCHOOL DISTRICT			
2. Funding Year: 07/01/2000 - 06/30/2001		3. Your Entity Number 143760	
4. Applicant's Street Address, P.O.Box, or Route Number			
a. Street 25900 Leon Road			
City HOMELAND	State CA	Zip Code 5Digit 92548	Zip Code 4Digit
b. Telephone number (909) 926- 9244		c. Fax number (909) 926- 9684	
d. E-mail Address dave@romoland.k12.ca.us			
5. Type Of Applicant (Check only one box)			
<input type="checkbox"/> Library (including library system, library branch, or library consortium applying as a library)			
<input type="checkbox"/> Individual School (individual public or non-public school)			
<input checked="" type="checkbox"/> School District (LEA; public or non-public[e.g., diocesan] local district representing multiple schools)			
<input type="checkbox"/> Consortium (intermediate service agencies, states, state networks, special consortia)			
6a. Contact Person's Name: Dave Guckert			
6b. Street Address, P.O.Box, or Route Number (if different from Item 4)			

25900 Leon Road			
City	State	Zip Code 5Digit	Zip Code 4Digit
HOMELAND	CA	92548	
6c. Telephone Number (10 digits + ext.) (909) 926- 9244			
6d. Fax Number (10 digits) (909) 926- 9684			
6e. E-mail Address (50 characters max.) dave@romoland.k12.ca.us			

Block 2: Summary Description of Needs or Services Requested

7 This Form 470 describes (check all that apply):

- a. ☒ Tariffed services - telecommunications services, purchased at regulated prices, for which the applicant has no signed, written contract. A new Form 470 must be filed for tariffed services for each funding year.
- b. ☒ Month-to-month services for which the applicant has no signed, written contract. A new Form 470 must be filed for these services for each funding year.
- c. ☒ Services for which a new written contract is sought for the funding year in Item 2.
- d. ☐ A multi-year contract signed on or before 7/10/97 but for which no Form 470 has been filed in a previous program year.

NOTE: Services that are covered by a qualified contract for all or part of the funding year in Item 2 do NOT require filing of Form 470. A qualified contract is a signed, written contract executed pursuant to posting a Form 470 in a previous program year OR a contract signed on/before 7/10/97 and reported on a Form 470 in a previous year as an existing contract.

8 ☒ Telecommunications Services

Do you have a Request for Proposal (RFP) that specifies the services you are seeking ?

a ☐ YES, I have an RFP. Choose one of the following: It is available on the Web at _____ or via ☐ the Contact Person in Item 6 or ☐ the contact listed in Item 11.

b ☒ NO, I do not have an RFP for these services.

If you answered NO, you must list below the Telecommunications Services you seek. Specify each **service or function (e.g., local voice service) and quantity and/or capacity (e.g., 20 existing lines plus 10 new ones). See the Eligible Services List at www.sl.universalservice.org for examples of eligible Telecommunications Services, and remember that only common carrier telecommunications companies can provide these services under the universal service support mechanism. Add additional lines if needed.**

Service or Function:	Quantity and/or Capacity:
Basic Telephone Service + Centranet	Existing approx 32 lines plus additional as needs of District might increase
Toll	To cover existing or additional telephone service
Long Distance	Local Toll, Intra-LATA, Inter-LATA, IntraState, InterState, and International
Measured Service	Existing + additional as required
Cellular Service	Existing approx 15 plus additional as required
PCS	New service approximately 20
Fractionalized T-1	Existing plus upgrades
High Speed Data Service (T-1 and faster)	Existing plus upgrades

Frame Relay

Existing plus

9 ☒ Internet Access**Do you have a Request for Proposal (RFP) that specifies the services you are seeking ?**

a ☐ **YES**, I have an RFP. Choose one of the following: It is available on the Web at _____
or via ☐ the Contact Person in Item 6 or ☐ the contact listed in Item 11.

b ☒ **NO**, I do not have an RFP for these services.

If you answered NO, you must list below the Internet Access Services you seek. Specify each **service or function** (e.g., monthly Internet service) and quantity and/or capacity (e.g., for 500 users). See the Eligible Services List at www.sl.universalservice.org for examples of eligible Internet Access Services. Add additional lines if needed.

Service or Function:**Quantity and/or Capacity:**

Internet Access

Single T-1 with possible increase in speed or number of T-1 ports

10 ☒ Internal Connections**Do you have a Request for Proposal (RFP) that specifies the services you are seeking ?**

a ☐ **YES**, I have an RFP. Choose one of the following: It is available on the Web at _____
or via ☐ the Contact Person in Item 6 or ☐ the contact listed in Item 11.

b ☒ **NO**, I do not have an RFP for these services.

If you answered NO, you must list below the Internal Connections Services you seek. Specify each **service or function** (e.g., local area network) and quantity and/or capacity (e.g., connecting 10 rooms and 300 computers at 56Kbps or better). See the Eligible Services List at www.sl.universalservice.org for examples of eligible Internal Connections Services. Add additional lines if needed.

Service or Function:**Quantity and/or Capacity:**

Wiring

Some or all classrooms, labs, libraries or other instructional areas depending on E-Rate funding

Servers - DNS, E-mail, and File Servers with necessary operating software

At least 1 per school and 1 at central site

Miscellaneous Equipment including but not limited to Routers, Switches, and Hubs

As required to provide connectivity for classrooms and schools to Internet and servers

PBX and console and all necessary operating software

1 per school plus 1 at the central site

Installation and Maintenance of existing and new equipment under contract or Maintenance Agreement

New contracts to cover existing and new hardware

Maintenance for eligible devices under Time and Material

500 hours for the program year

11 (Optional) Please name the person on your staff or project who can provide additional technical details or answer specific questions from service providers about the services you are seeking. This need not be the contact person listed in Item 6 nor the signer of this form.

Name:

David Guckert

Title:

Director Maintenance and Operations

Telephone number (10 digits + ext.)

(909) 926 - 8264

Fax number

() -

E-mail Address (50 characters max.)

dave@romoland.k12.ca.us

12. ☒ Check here if there are any restrictions imposed by state or local laws or regulations on how or when providers may contact you or on other bidding procedures. Please describe below any such restrictions or procedures, and/or give Web address where they are posted.

Must use District provided forms. Contact Dave Guckeret for a copy of the forms at (909) 926-8264

13. (Optional) Purchases in future years: If you have plans to purchase additional services in future years, or expect to seek new contracts for existing services, summarize below (including the likely time-frames).

Block 3: Technology Assessment

14. ☐ **Basic telephone service only:** If your application is for basic local and long distance voice telephone service only, check this box and skip to Item 16.

15. Although the following services and facilities are ineligible for support, they are usually necessary to make effective use of the eligible services requested in this application. Unless you indicated in Item 14 that your application is ONLY for basic telephone service, you must check at least one box in (a) through (e). You may provide details for purchases being sought.

a. Desktop communications software: Software required ☒ has been purchased; and/or ☐ is being sought.

b. Electrical systems: ☒ adequate electrical capacity is in place or has already been arranged; and/or ☐ upgrading for additional electrical capacity is being sought.

c. Computers: a sufficient quantity of computers ☒ has been purchased; and/or ☐ is being sought.

d. Computer hardware maintenance: adequate arrangements ☒ have been made; and/or ☐ are being sought.

e. Staff development: ☒ all staff have had an appropriate level of training or additional training has already been scheduled; and/or ☐ training is being sought.

f. Additional details: Use this space to provide additional details to help providers to identify the services you desire.

Block 4: Recipients of Service

16. Eligible Entities That Will Receive Service:

Check the ONE choice that best describes this application and the eligible entities that will receive the services described in this application.

You must select a state if (b) or (c) is selected: **CA**

a. ☐ Individual school or single-site library: Check here, and enter the billed entity in Item 17.

b. ☐ Statewide application (check all that apply):

- ☐ All public schools/districts in the state:
☐ All non-public schools in the state:
☐ All libraries in the state:

If your statewide application includes INELIGIBLE entities, check here. ☐ If checked, complete Item 18.

c. ☒ School district, library system, or consortium application to serve multiple eligible sites:

Number of eligible sites	3
<i>For these eligible sites, please provide the following</i>	
Area Codes (list each unique area code)	Prefixes associated with each area code (first 3 digits of phone number) separate with commas, leave no spaces
909	926, 928

If your application includes INELIGIBLE entities, check here. ☐ If checked, complete Item 18.

17. Billed Entities

Entity Name	Entity Number
ROMOLAND ELEM SCHOOL DISTRICT	143760

18. Ineligible Entities

Ineligible Participating Entity	Entity Number	Area Code	Prefix
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Block 5: Certification

19. The applicant includes: (Check one or both)

- a. ☒ schools under the statutory definitions of elementary and secondary schools found in the Elementary and Secondary Education Act of 1965, 20 U.S.C. Secs. 8801(14) and (25), that do not operate as for-profit businesses, and do not have endowments exceeding \$50 million; and/or
- b. ☐ libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any school (including, but not limited to) elementary and secondary schools, colleges and universities.

20. All of the individual schools, libraries, and library consortia receiving services under this application are covered by:

- a. ☐ individual technology plans for using the services requested in the application
- b. ☒ higher-level technology plans for using the services requested in the application
- c. ☐ no technology plan needed; application requests basic local and long distance telephone service only.

21. Status of technology plans (if representing multiple entities with mixed technology plan status, check both a and b):

- a. ☐ technology plan(s) has/have been approved by a state or other authorized body.
- b. ☒ technology plan(s) will be approved by a state or other authorized body.
- c. ☐ no technology plan needed; application requests basic local and long distance telephone service only. .

22. ☒ I certify that the services the applicant purchases at discounts provided by 47 U.S.C. Sec. 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value.

23. ☒ I recognize that support under this support mechanism is conditional upon the school(s) or library(ies) I represent securing access to all of the resources, including computers, training, software, maintenance, and electrical connections necessary to use the services purchased effectively.

24. ☒ I certify that I am authorized to submit this request on behalf of the above-named entities, that I have examined this request, and to the best of my knowledge, information, and belief, all statements of fact contained herein are true.

25. Signature of authorized person: ☒

26. Date (mm/dd/yyyy): 12/06/1999

27. Printed name of authorized person: Roland Skumawitz

28. Title or position of authorized person: Superintendent

29. Telephone number of authorized person: (909) 926 - 9244 ext.

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ROMOLAND DISTRICT EXHIBIT 4

05/14/02

Ms. Laura Ransegnola
SLD, PIA Selective Review
80 S. Jefferson Road
Whippany, NJ 07981

Dear Ms. Ransegnola:

In response to your request the following information is being supplied for Selective review 143760.

Please see the attached contracts.

Contracts are not supplied for:

- 1) **Verizon Local Telephone Service – we are charged the Tariff Rates for Local Telephone Service on an ongoing month to month basis.**
- 2) **Verizon Data Circuits/T1's – we will be charged the Tariff Rates for these circuits on an ongoing month to month basis.**
- 3) **Verizon Wireless – We are charged on a month to month basis for this service.**
- 4) **Arch Paging Service – this is a month to month service.**
- 5) **Verizon Long Distance – we are charged the Tariff Rates for Long Distance on an ongoing month to month basis.**

2. Please provide a copy of all requests for proposals (RFP's, invitation to bid, request for bids, etc.) or other documentation of bid requests for services/products requested on each Form 471. You do not need to provide copies of Form(s) 470 that were posted to the website. If RFPs are not provided, please explain why you have not provided them.

Telecomm Services –